

## REMARKS

### Office Action Summary

Prior to entry of this amendment, claims 1-20 are pending. Claims 1, 12 and 17 are independent claims. In the Office Action dated August 1, 2003, the Examiner rejected claims 1 and 17 under 35 U.S.C. § 102(b) as being unpatentable over Bleasdale (U.S. 3,882,770). Claims 2-16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bleasdale. Applicants respectfully traverse these rejections. Bleasdale discloses a combined shredder and baler for compressing paper.

### Claims 1 and 17

In rejecting these claims, the Examiner states that Figure 1 shows a paper shredder with a light source located between the shredder and a bin. Applicants respectfully disagree. Figure 1 clearly shows the photo-sensitive device 24 located above the cutting rollers 18. Moreover, the specification of Bleasdale clearly states that the photo-sensitive device is located at an upper part of the chamber but below the ram 15 when the ram is in an uppermost position (col. 2, ll. 19-28). Bleasdale does not teach nor suggest positioning the photo-sensitive device below the cutting rollers. Bleasdale instead actually suggests positioning the photo-sensitive device above the cutting rollers and below the uppermost position of the ram. The photo-sensitive device activates the ram to lower the ram from the uppermost position to compress shredded material while at the same deenergizing the shredder motor. There would be no need to lower the ram to compress the shredded material if the shredded material was at a lower level. Moreover, Bleasdale does not disclose positioning the photo-sensitive device lower than an egress as through which shredded material may be discharged.

Unlike the disclosure of Bleasdale, Applicants have amended claim 1 so that the detecting device is located below the cutting device. Claim 17 has been similarly amended so that the detecting device is located below the egress. Because these elements of the Applicants' claims are not disclosed in the prior art, Applicants respectfully assert that claims 1 and 17 distinguish over the prior art and that the rejection under 35 U.S.C. § 102(b) has been overcome. Reconsideration is requested.

Claims 1-11 are dependent from claim 1 and therefore their allowability directly follows from claim 1. Claims 18-20 are dependent from claim 17 and therefore their allowability directly follows from claim 17.

In light of these amendments, Applicants consider the rejections of claims 2-11 and 18-20 under 35 U.S.C. § 103(a) moot.

**Claim 12**

Claim 12 has been amended in a manner similarly to Claim 17 so that the detecting device is located below the egress. Because this element of the Applicants' claim is not disclosed in the prior art, Applicants respectfully assert that claim 12 distinguishes over the prior art and that the rejection under 35 U.S.C. § 103(a) has been rendered moot. Reconsideration is requested.

Claims 13-16 are dependent from claim 12 and therefore their allowability directly follows from claim 12.

**SUMMARY**

In conclusion, Applicants respectfully submit pending claims 1-20 are allowable in their present form, and hereby request allowance of claims 1-20. If any questions arise or issues remain, the Examiner is invited to contact the undersigned at the number listed below in order to expedite disposition of this application.

Respectfully submitted,



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